

**REMARKS**

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and these remarks provided in response thereto.

Claims 1–34 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 34–68 of co-pending U.S. Patent Application No. 09/804,848. Applicant elects not to presently file a terminal disclaimer pending the indication of otherwise allowable claims by the Examiner.

Claims 1–34 were further rejected under 35 U.S.C. 103(a) over U.S. Patent No. 6,084,975 to Perkins in view of U.S. Patent No. 6,754,472 to Williams et al. (hereinafter “Williams”). Claim 23 has been canceled. Claims 1 and 22 have been amended to better distinguish from the prior art. Thus, the rejection has been rendered moot for the following reasons.

Regarding amended claims 1 and 22, neither Perkins nor Williams teaches or suggests “each of said hearing devices comprising an electrical to mechanical output converter,” as required. Perkins is cited by the Examiner to disclose a pair of hearing devices at Fig. 3. But, Fig. 3 does not disclose two hearing device, each having an electrical to mechanical output converter, as in amended claims 1 and 22. Rather, Perkins discloses a hearing device at the left ear consisting of a sound processing means (51, 55) and another hearing device at the right ear consisting of a promontory coil (70) and a magnet (82). There is nothing in Perkins that suggest modifying these two devices to include electrical to mechanical output converters, as claimed. Further, Williams does not teach or suggest two hearing devices, each having an electrical to mechanical output converter.

Further, regarding claim 1, neither Perkins nor Williams teaches or suggests “establishing one of said at least two electrical conductors by the individual’s body and a second one of said

at least two electrical conductors by a wire," as required. Similarly, regarding amended claim 22, neither Perkins nor Williams teaches or suggests "establishing an electrically conductive communication path by using the body of an individual" and "wherein said communication link further comprises at least one single wire," as required. Perkins teaches a two-wire communication between devices provided at both of an individual's ears. (See Fig. 3.) Williams teaches body worn devices establishing communication link without the use of any wires, i.e. entirely via the body of the individual. Neither Perkins nor Williams teaches or suggests providing a communications link in which one electrical conductor is established via the body and another is established via a wire, as in claims 1 and 22.

For all of the reasons described above, every limitation of the claims is not taught or suggested by Perkins, Williams or any combination thereof. Therefore, claims 1 and 22 are patentable over the prior art of record. Further, since claims 2–21 and 24–34 depend respectively from claims 1 and 22, they are patentable for the same reasons.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 34351.

Respectfully submitted,  
PEARNE & GORDON LLP

By:   
Aaron A. Fishman – Reg. No. 44,682

1801 East 9th Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

Date: September 2, 2005